

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JOSE M. LORIE-VELASCO ET AL
Plaintiffs

v.

K-MART CORPORATION
Defendant

Civil No. 98-1867(PG)

ORDER

The Court has before it defendant's "Motion Requesting that Motion for Summary Judgment Be Held in Abeyance" (**Docket No. 162**), filed on January 9, 2002, and third-party defendants' "Opposition to K-Mart's Motion Requesting that Motion for Summary Judgment Be Held in Abeyance" (**Docket No. 163**), filed on January 23, 2002.

Plaintiffs sued defendant K-Mart because during the afternoon of February 8, 1998, plaintiff José M. Lorie-Velasco slipped and fell in one of K-Mart's department stores due to its allegedly negligent maintenance of its floor (**Docket No. 113**). K-Mart in turn sued third-party defendants Group Service System and Cooperativa de Seguros Múltiples de Puerto Rico for their allegedly negligent maintenance of K-Mart's floor (**Docket No. 9**). On September 17, 2001, third-party defendants filed a "Motion for Summary Judgment" (**Docket No. 155**) in which they asked the Court to dismiss defendant's claims against them.

K-Mart's motion essentially requests that the Court grant it an extension of time to respond to third-party defendants' summary judgment motion. The extension is justified, they argue, because plaintiffs have not yet submitted their expert witness's report. In response, third-party defendants point out that plaintiffs' expert witness is not relevant to the crux of their summary judgment motion,

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that is, whether K-Mart has met its burden of production with respect to its claims against third-party defendants.

The Court agrees, especially in light of the approaching trial date and the two years that have passed since the filing of third-party defendants' motion for summary judgment. Defendant K-Mart, therefore, **SHALL** respond to third-party defendants' "Motion for Summary Judgment" (**Docket No. 155**) on or before **April 15, 2004**.

SO RECOMMENDED

At San Juan, Puerto Rico, on this 31st day of March, 2004.

**S/AIDA M. DELGADO-COLON
U.S. Magistrate-Judge**